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Attorney General

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Phoenix, Arizona 85007

Robert H. Corbin

November 9, 1982

INTERAGENCY

The Honorable Jones Osborn  
Arizona State Senator  
State Capitol, Senate Wing  
Phoenix, AZ 85007

Re: 182-124 (R82-169)

Dear Senator Osborn:

We are writing in response to your request for an opinion whether a convicted felon can qualify as a candidate for county elective office.

Ariz. Const. Art. 7, § 15 requires that a person elected or appointed to an elective office must be a qualified elector of the political subdivision in which such person shall be elected.<sup>1/</sup> Pursuant to Ariz. Const. Art. 7, § 2 and A.R.S. § 16-101.5, a person convicted of a felony<sup>2/</sup> can be qualified only if his civil rights have been restored.<sup>3/</sup>

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1. Ariz. Const. Art. 7, § 15 states:

Every person elected or appointed to any elective office of trust or profit under the authority of the state, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which such person shall be elected.

2. The Constitution and statute do not limit the felony conviction to a conviction obtained in Arizona.

3. A.R.S. § 13-912 (automatic for first-time felons), and A.R.S. § 13-905 (by petition for repeat offenders).

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In answer to your question, then, a convicted felon may not be a candidate for elective office unless his civil rights have been restored and he is otherwise qualified.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Corbin".

BOB CORBIN

Attorney General

BC:LPS:lm